IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 4TH MAY 2007 / 14TH VAISAKHA 1929

Bail Appl..No. 2542 of 2007()

(IN O.R. NO.3/2006 OF CHARPA FOREST RANGE)
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PETITIONERS/ACCUSED NO.4 & 5.
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1. BABY, AGED 31 YEARS,
S/O. PANACHILAKKUDY RAPHAEL, NEELESWARAM VILLAGE,
CHAKKUKETIL DESOM, ALUVA TALUK.

2. ANTO, AGED 40 YEARS,
PEEDIKAKKARAN HOUSE, NEELESWARAM VILLAGE,
ALUVA TALUK.

BY ADV. SRI.K.SUNILKUMAR

RESPONDENT: COMPLAINANT.

STATE OF KERALA
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 04/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P.Balachandran, J.

B.A.No.2542 of 2007

ORDER

This is an application for anticipatory bail filed under Section 438 Cr.P.C.

2. The petitioners are Accused Nos.4 and 5 in O.R.No.3/06 of Cherpu Forest Range, registered for offence under Sections 27(1), (2) and (iv) of the Kerala Forest Act and Section 9 of the Wild Life Protection Act.

3. Though the anticipatory bail application was dismissed by the Sessions Court on 30.8.2006, and by this Court on 6.2.2007, the Investigating Agency could not apprehend the petitioners till now and without they being apprehended and questioned, the Investigating Agency will not be able to complete the investigation in the case in a fruitful manner.

In the result, I allow this bail application and direct that:

(i) the petitioners do surrender before the learned Magistrate concerned positively within fifteen days from today;

(ii) that on such surrender and on each of them depositing, by way of cash security, an amount of Rupees ten thousand and executing bail bond for Rupees twenty thousand with two solvent sureties each for like sums to the satisfaction of the learned Magistrate concerned, the petitioners shall be enlarged on bail;

(iii) that on such release the petitioners shall co-operate with the investigation in the case and shall report before the Investigating Officer between 10 a.m. and 11 a.m. on all Tuesdays and Fridays for a period of two months and thereafter on all Tuesdays only, till the investigation in the case is over and final report is laid; and

(iv) that the grant of anticipatory bail shall not stand in the way of the learned Magistrate granting custody of the petitioners to the

Investigating Officer for questioning, if the Investigating Agency so asks for and the learned Magistrate deems it fit to grant, considering the circumstances of the case.

4th May, 2007 (K.P.Balachandran, Judge)

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